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To Mr. Cangialosi, Salvatore A
From Kenta Hori
Date Apr. 27, 2005

Subject: Response to Office Action

Sir,

I fax the certificate and my response as you kindly instructed me on the phone.
Thank you,

Kenta Hori

Kenta Hori

PTO/SB/97 (09-04)
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Printed name of person signing Certificate: Kenta Hori

Telephone Number: +81-42-755-4961

Fax Number: (the same as telephone)
E-mail: kenta@chainkey.com

~~2/3~~

— 18

limitations of claim 17, any of the items of prior art show program implementation of authorization(See cols. 7-12 of Clark) and a storage medium (See cd-rom, element 14 of Subler et al) which is the conventional functional equivalent of the claim limitations. Regarding claim 12, Clark(See Figs. 1-3, 16, 18 Col. 3, lines 5-20) disclose means (See Cols. 7-12) for employing a license server employing a user key(element 5) which is detected and tested substantially as claimed. The differences between the above and the claimed invention is the use of key based on user uniqueness. Subler et al(Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Clark because Key generators are conventional functional equivalents of the claim limitations.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. (SERIAL NO.): 10 / 008,917
FILING DATE: 12/03/2001
FIRST NAMED INVENTOR: Kenta Hori
ATTORNEY DOCKET NO.: IIZU:011
CONFIRMAION NO.: 7230
EXAMINER: Cangialosi, Salvatore A
ART UNIT: 3621
FOR: Method and Program for Preventing Unfair Use of Software

Commissioner of Patent and Trademarks
Washington, D.C. 20231

Response to Office Action
(Amendment and Request for reconsideration)

Dear Commissioner:

This is in response to the Office Action mailed on 01/19/2005 in connection with the above-referenced Application. Applicant has carefully reviewed the Examiner's comments and submits the following amendment:

IN THE CLAIMS

The status of the claims as presently amended is as follows:

1. (Currently Amended) A method for preventing unfair use of software, comprising:

a first step of detecting a feature of a file system of a computer of a particular user and generating characteristic information based on the detected feature;

a second step of causing a licenser of software to generate key data on the basis of the characteristic information generated by said first step, and providing the particular user with the key data;

a third step of detecting a feature of a file system of a particular computer when the software is to be used on said particular computer, and generating characteristic information on the basis of the feature detected by said third step; [[~~and~~]]

a fourth step of performing an authorization test for determining whether or not to permit use of the software by said particular computer, on the basis of presence/absence of identity or similarity between the characteristic information based on the file system corresponding to the key data and the characteristic information generated by said third step;

a fifth step of storing the key data provided to the user by said second step; and

a sixth step of updating the key data, stored by said step of storing, so as to match the characteristic information generated by said third step, at least with the provision that said fourth step has determined the use of the software should be permitted.

2. (Currently Amended) A method as claimed in claim 1, [[~~which~~]] further ~~comprises~~comprising the a step of reproducing, from the key data provided to the user, the characteristic information generated by said first step on the basis of the detected feature of the file system, and

wherein said fourth step compares the characteristic information reproduced from the key data and the characteristic information generated by said third step, and determines whether or not to permit the use of the software on the basis of presence/absence of identity or similarity between the characteristic information compared.

3. (Currently Amended) A method as claimed in claim 2, wherein said second step converts the characteristic information generated by said first step into the key data in accordance with a predetermined conversion algorithm, and

wherein said step of reproducing reproduces, from the key data, the characteristic information generated by said first step, by reverse execution of the predetermined conversion algorithm.

4. (Currently Amended) A method as claimed in claim 1, wherein the feature of the file system is detected by reading file system information of the computer.

5. (Currently Amended) A method as claimed in claim 1, wherein said fourth step calculates a difference between the characteristic information based on the file system corresponding to the key data and the characteristic information generated by said third step, and said fourth step determines whether or not to permit the use of the software on the basis of a calculated level of the difference.

6. (Currently Amended) A method as claimed in claim 1, wherein said fourth step is executed at least one of time points when the software is installed into the computer, when the software is started to run on the computer and when the software is to be copied on the computer, and the use of the software is inhibited when said fourth step has determined that the use of the software should not be permitted.

7. (Currently Amended) A method as claimed in claim 1, wherein said fourth step is executed at desired one or more time points during use, by the computer, of the software, and wherein the use of the software is inhibited when said fourth step has determined, at any one of the time points, that the use of the software should not be permitted.

8. (Cancelled)

9. (Currently Amended) A storage device storing a computer program comprising computer program codes [[~~means~~]]-for performing all the steps of claim 1 when said program is run on a computer.

10. (Currently Amended) A storage device storing a computer program comprising computer program codes [[~~means~~]]-for performing all the steps of claim 7 when said program is run on a computer.

11. (Cancelled)

12. (Currently Amended) A storage device storing a computer program for causing a computer to perform a method for preventing unfair use of computer software, said computer program comprising:

a first step of detecting a feature of a file system of a computer of a particular user and outputting characteristic information based on the detected feature, the characteristic information based on the detected feature being sent to a licenser of the software so that the licenser is allowed to generate key data corresponding to the characteristic information;

a second step of receiving the key data generated by the licenser;

a third step of detecting a feature of a file system of a particular computer when the software is to be used on said particular computer, and generating characteristic information on the basis of the detected feature;

[[~~and~~]]

a fourth step of performing an authorization test for determining whether or not to permit use of the software by said particular computer, on the basis of presence/absence of identity or similarity between the characteristic information based on the file system corresponding to the key data and the characteristic information generated by said third step;

a fifth step of storing the key data provided to the user by said second step; and

a sixth step of updating the key data, stored by said step of storing, so as to match the characteristic information generated by said third step, at least with the provision that said fourth step has determined the use of the software should be permitted.

13. (Cancelled)

14. (Currently Amended) A storage device storing a computer program as claimed in claim 12, wherein said first step sends the licenser of the software the characteristic information, output[[~~ted ¥~~]] by said first step on the basis of the detected feature, via a communication network, and said second step receives the key data, generated by the licenser, via the communication network.

15. (Currently Amended) A storage device storing a computer program as claimed in claim 12, wherein at least said fourth step is executed at one or more locations within the software, and wherein the use of the software is inhibited when said fourth step has determined, at any one of the location within the software, that the use of the software should not be permitted.

16. (Currently Amended) A storage device storing a computer program as claimed in claim 12, wherein said computer program comprises a user registration program and a protection program, said first and second steps are included in said user registration program, and said third, fourth, fifth, and ~~fourth~~sixth steps are included in said protection program.

17. (Cancelled)

18. (Currently Amended) An apparatus for preventing unfair use of software, comprising:

first detection means for detecting a feature of a file system of a computer of a particular user and generating characteristic information based on the detected feature;

generation means for causing a licenser of software to generate key data on the basis of the characteristic information generated by said first detection means, and providing the user with the key data;

second detection means for detecting a feature of a file system of a particular computer when the software is to be used on said particular computer, and generating characteristic information on the basis of the detected feature; [[~~and~~]]

authorization means for performing an authorization test for determining whether or not to permit use of the software by said particular computer, on the basis of presence/absence of identity or similarity between the characteristic information based on the file system corresponding to the key data and the characteristic information generated by said second detection means;

storage means for storing the key data provided to the user by said generation means; and

update means for updating the key data, stored by said storage means, so as to match the characteristic information generated by said second detection means, at least with the provision that said authorization means has determined the use of the software should be permitted.

IN THE SPECIFICATIONS

Applicant amends the second paragraph of "Summary of the invention" as follows (with the changes highlightened):

In order to accomplish the above-mentioned object, the present invention provides

a method for preventing unfair use of software, which comprises: a first step of detecting a feature of a file system of a computer of a particular user and generating characteristic information based on the detected feature; a second step of allowing a licenser of software to generate key data on the basis of the characteristic information generated by the first step, and providing the user with the key data; a third step of detecting a feature of a file system of a particular computer when the software is to be used on the particular computer, and generating characteristic information on the basis of the feature detected by the third step; [[~~and~~]]a fourth step of performing an authorization test for determining whether or not to permit use of the software by the particular computer (i.e., whether or not the particular computer can be authorized to use the software), on the basis of presence/absence of identity or similarity between the characteristic information based on the file system corresponding to the key data and the characteristic information generated by the third step; a fifth step of storing the key data provided to the user by said second step; and a sixth step of updating the key data, stored by said step of storing, so as to match the characteristic information generated by said third step, at least with the provision that said fourth step has determined the use of the software should be permitted.

REMARKS

Claims 8, 11, 13, and 17 are cancelled. All the other claims 1-7, 9, 10, 12, 14-16, and 18 remain pending in this application for which applicant seeks reconsideration.

Amendment

The idea of current amendment can be characterized as transfer of the update step in original claims 8 or 13 (See ST9 in Fig 5) into all independent claims. Other

key data, as in amended claim 1 (or in the cancelled original claim 8), in

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